COURT NO.2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) 205/2000

1. Praveen Singh,
   S/o Late Sri Trilok Singh,
   R/o Asstt. Teacher, Primary School,
   Kunia, Tehsil Didihat,
2. Sitember Singh,
   S/o Late Smt. Devki Karki,
   R/o Primary Pathshala,
   Syankruri,
   Tehsil Dharchula,
   Distt. Pithoragarh.
3. Smt. Sunita Devi
   W/o Late Sri Subhash Chandra,
   R/o Primiary Vidyalaya,
   Gunakitan,
   Distt. Pithoragarh
4. Rajesh Narain Saun,
   R/o Primary Vidyalaya Pugor,
   Tehsil Pithoragarh,
   Distt. Pithoragarh.

.....Petitioners

Versus

1. State of Uttranchal,
   through Secretary of Basic Education,
   Civil Secretariate,
   Dehradun.
2. Regional Assistant Director of
   Basic Education,
   Civil Secretariate,
   Dehradun.
3. District Basic Siksha Adhikari,
   Pithoragarh.

.....Respondents

Sri J.C. Pandey, learned Counsel for the petitioners.
Sri H.M. Raturi, learned Standing Counsel for the respondents

27th November, 2007

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioners prayed for a writ of Certiorari to quash the impugned termination order and have further prayed for a writ of Mandamus to grant the petitioners exemption of qualification under Section 10 of the U.P. Basic Education (Teachers) Services Rules as they have completed their B.T.C. and graduation both.

2. Petitioners were appointed under Dying in Harness Rules and they have completed about seven years of service by now. In the meantime, they have also acquired B.T.C. certificate and they have also completed graduation. Since the qualifications have now been acquired and if they have completed their graduation, the petitioners may be allowed to continue and their termination shall not come in the way as the appointment was made under The Dying in Harness Rules, which is a regular appointment as it is made under t he rules framed under Article 309 of the Constitution of India as held by the Division Bench of Allahabad High Court in the case of Ravi Karan Singh v. State of U.P. & Ors. reported in **1999 (17) LCD** 641 and followed by this Court in series of judgments.

3. Accordingly, the writ petition is disposed of in above terms. No order as to costs.

(P.C. Verma, J.)

27.11.2007
Prabodh